

#11 Response
O/E M. Brunen
PATENT 9/7/02
0033-0694P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SUMIKAWA, et al. Conf.: 2465
Appl. No.: 09/782,180 Group: 2814
Filed: February 14, 2001 Examiner: D. NGUYEN
For: SEMICONDUCTOR DEVICE AND METHOD OF
MANUFACTURING THE SAME

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TECHNOLOGY CENTER 2800

LETTER FOR CLARIFICATION OF OFFICE ACTION

Assistant Commissioner for Patents
Washington, DC 20231

September 4, 2002

Sir:

In the Office Action dated August 5, 2002, it is considered that certain clarifications are needed, which are identified as follows:

OK, to enter
DLN 9/16/02

(1) In the rejection in Section II of the Office Action, in the heading "The rejection relied on Toyosawa (U.S. Patent 6,337,257) in view of Tao (U.S. Patent 6,410,981). In the explanation of the rejection, the Patent to Tao was not discussed. At the end of the rejection a reference to Ohuchi (U.S. Patent 6,271,588) was inserted. As this last cited patent was not in the heading of the rejection, it is not considered to be included in the statement of the rejection as set forth in the case of *In re Hoch* 166 USPQ 406, 407 n. 3 (CCPA 1970). This case is cited in the guidelines of the MPEP in Section 706.02 (J)

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right column, first full paragraph. Clarification of what references are being relied on in this rejection is requested.

- (2) Also, in rejecting claim 3, in Section 3 of the Office Action, claim 3 is a dependent claim 3/2/1. In the rejection of claim 3, no comment was made to the structure of claim 2.
- (3) With respect to the rejection in Section 4, regarding claims 9-12, claim 12 depends on claim 8 and claim 5. No comment was made on the details of claim 8. Clarification is requested.

Also, the Patent Office is requested to again review the Office Action to provide the details of the rejection, so that the Applicant may respond to the written record of the rejection.

REMEDY REQUESTED

As set forth above, it is requested that the Office Action be reviewed for an accurate description of the rejection and that the three month period set in the Office Action of August 5, 2002 be restarted from the date of the clarification of the rejection.

This Letter is not to be considered as a Response to the Office Action of August 5, 2002.

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CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP


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2814

To:	Examiner D. NGUYEN	From:	Elliot A. Goldberg
Fax:	(703) 308-7724	Date:	September 5, 2002
Phone:		Pages:	4 (including cover sheet)
Your Ref.:		Our Ref.:	0033-0694P
Re:	Appl. No. 09/782,180	CC:	
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